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UNCLAS SECTION 01 OF 02 PHNOM PENH 000493

SENSITIVE
SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KJUS](#) [KDEM](#) [CB](#)

SUBJECT:

CRITIC OF ANGKOR LIGHTING CONVICTED IN ABSTENTIA ON DISINFORMATION
CHARGE

REF: A) PHNOM PENH 489

B) PHNOM PENH 469

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) SUMMARY. The Phnom Penh Municipal Court (PPMC) convicted and sentenced the head of the Khmer Civilization Foundation (KCF) in absentia July 14 on charges that he had defamed the government and incited social disorder by suggesting that lights installed at the Angkor Wat temple would damage the national landmark. This case illustrates the constricted room for "fair comment" in Cambodian public discourse, as well as the current unwillingness of Deputy Prime Minister Sok An to be as forgiving of his critics as the Prime Minister. END SUMMARY.

COMMENTS ON ANGKOR LIGHTING INCITE "ANARCHY"

¶2. (U) KCF Head Moeung Sonn stated in a May 26 interview with Radio Free Asia that the heat from a new light installation project at the world-famous Angkor Wat temple would damage the structure. The Apsara Authority, the government entity responsible for management of the UNESCO World Heritage site, managed the light installation project. Moeung Sonn repeated his comments to other news outlets in a press conference. He reportedly also accused the government of drilling holes into the temple walls as part of the installation, although he later denied having said this in a July 4 statement.

¶3. (U) Deputy Prime Minister and Apsara Authority President Sok An filed charges June 2 against Moeung Sonn for spreading disinformation, under Article 62 of the Transitional Criminal Law. The Deputy Prime Minister defended the suit at the National Assembly June 19 when he told 98 MPs that Moeung Sonn's comments spread false information "to cause chaos and confusion among the public." The PPMC filed formal charges against Moeung Sonn June 26, and on July 14, Judge Chhay Kong sentenced him to two years in prison, fined him 7 million riel (approximately \$1,657), and ordered him to pay 8 million riel (approximately \$1,894) in compensation to the Apsara Authority for his statements. In his decision, Chhay Kong stated that Moeung Sonn had damaged the government's reputation and caused "anarchy and disorder" in society. The PPMC authorized the Ministry of Interior to arrest and imprison Moeung Sonn, who fled to France in June shortly after he was charged.

¶4. (SBU) Moeung Sonn's lawyer, Sam Sokong of the NGO Cambodian Defenders Project (CDP), told Pol Assistant that he had asked the judge to delay the hearing on the grounds that the case had not gone through the proper investigative process. He noted as an example that the government's complaint cited an unrelated April 23 press conference in which Moeung Sonn had discussed the need for compensation for market vendors at the Preah Vihear temple who lost their stalls to a Thai rocket earlier this year, rather than the May 26 press conference in which Moeung Sonn had discussed Angkor Wat. Prosecutor Cheng Huot argued that the prosecution already had enough evidence to proceed with the trial, and he stated that Moeung Sonn's statements had the intent of inciting "chaos" nationwide, and that

comments about Angkor Wat are "dangerous and sensitive." Judge Chhay Kong agreed with the prosecution and allowed the trial to proceed.

15. (SBU) Sam Sokong told Pol Assistant that he planned to submit a request to the PPMC to hold a new hearing. He explained that he could request a retrial on behalf of Moeung Sonn, as opposed to an appeal, because the defendant had been tried and convicted in absentia. Sam Sokong said that Moeung Sonn plans to remain in France for now to avoid arrest.

DESPITE APOLOGY, NEWSPAPER MAN STILL FACES CHARGES

16. (SBU) In a separate case against opposition newspaper publisher Dam Sith (Ref B), the prosecutor is reportedly considering dropping charges at the request of the government's lawyer. Dam Sith was hit July 8 with charges related to defamation, disinformation, insults, and incitement following the publication of a series of articles deemed critical of the government. The same day, Dam Sith issued a formal apology to Prime Minister Hun Sen, who then instructed the government's lawyer to drop the suit. The government attorney who filed the lawsuit, Long Dara, submitted a letter to the PPMC prosecutor on July 10 withdrawing the complaint. On July 14, Dam Sith's lawyer submitted to the PPMC prosecutor a cover letter and copy of the apology letter to the PM. The prosecutor reportedly may take a week or two to send Dam Sith the formal notice dismissing the charges against him.

COMMENT

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17. (SBU) As reported in reftels, disinformation suits are the ruling Cambodian People's Party's weapon of choice these days in silencing its critics. Moeung Sonn's case seems a particularly egregious application of the disinformation criminal charge, which carries a possible three-year jail sentence. For now, Sok An has shown himself to be less forgiving of his critics than the Prime Minister, as illustrated by his refusal to accept an apology from jailed journalist Hang Chakara. This latest case illustrates the constricted room for "fair comment" in Cambodian public discourse.

RODLEY